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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/871,929	06/01/2001	Richard Dean Dettinger	ROC920010022US1	1395

26517 7590 03/09/2006

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EXAMINER

MIRZA, ADNAN M

ART UNIT PAPER NUMBER

2145

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/871,929

Applicant(s)

DETTINGER ET AL.

Examiner

Adnan M. Mirza

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-69 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-69 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor et al (US 2004/0088384) and Marin et al (U.S. 6,691,176).

3. As per claims 1,12,15 Taylor disclosed a method of providing an information handling capability to a client computer system in a networked computer system comprising client and server computer systems, comprising the following steps performed at a server computer system: identifying factors relevant to provision of said information handling capability by said client computer, selecting one of at least a first and a second service to be uploaded to said client computer based upon said factors (Page. 6, Paragraph. 0077),

However Taylor did not disclose in detail said first and second services comprising different executable code for providing said information handling capability, and delivering said selected service to said client computer system, so that said information handling capability may be realized by said client computer upon execution of code within said selected service at said client computer system.

In the same field of endeavor Narin disclosed a script wrapper allows script to be written without regard to different browser brands. The service manager then forwards the service calls to the corresponding service within its control. The service then performs according to the call and information can flow back to the script via the service manager, connector object (Active X control interface or Plug-In interface) and script wrapper. Service manager can also send information regarding events to the scripting space by way of the service manager and an event handler (col. 9, lines 30-39).

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to have incorporated a script wrapper allows script to be written without regard to different browser brands. The service manager then forwards the service calls to the corresponding service within its control. The service then performs according to the call and information can flow back to the script via the service manager, connector object (Active X control interface or Plug-In interface) and script wrapper. Service manager can also send information regarding events to the scripting space by way of the service manager and an event handler as taught by Narin in the method of Taylor to provide an infrastructure whereby such objects persist across Web pages, thus avoiding destruction and recreation of objects (col. 3, lines 46-49).

4. As per claims 2,13,16 Taylor-Narin disclosed wherein said services comprise data in addition to executable code (Narin, col. 9, lines 43-51).

5. As per claims 3,14,17 Taylor-Narin disclosed wherein said factors comprise one or more of: the operating system used by said server computer system, the operating system used by said client computer system, the bandwidth of a communications connection between said client and server computer system, the date and/or time of day, the cost of a communications connection between said client and server computer system, and the location of said client and/or server computer system (Narin, col. 6, lines 65-67 & col. 7, lines 1-15).

6. As per claims 4,23,40,53 Taylor-Narin disclosed wherein said information handling capability comprises providing brokerage information to a user of said client computer system (Narin, col. 7, lines 1-15).

7. As per claims 5,24,41,54 Taylor-Narin disclosed wherein said brokerage information comprises product information and pricing (Narin, col. 6, lines 65-67 & col. 7, lines 1-15).

8. As per claims 6,25,42,55 Taylor-Narin disclosed wherein said product is real estate property (Taylor, Page. 6, Paragraph 0056).

9. As per claims 7,26,43,56 Taylor-Narin disclosed wherein said product is chattel property (Taylor, Page. 6, Paragraph 0056).

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10. As per claims 8,27,44,57 Taylor-Narin disclosed wherein said product is an automobile (Taylor, Page. 6, Paragraph 0056).

11. As per claims 9,28,45,58 Taylor-Narin disclosed wherein said information handling capability comprises providing scheduling information to a user of said client computer system (Taylor, Page. 6, Paragraph. 0077).

12. As per claims 10,29,46,59 Taylor-Narin disclosed wherein said information handling capability comprises providing financial information to a user of said client computer system (Taylor. Page. 6, Paragraph. 0056).

13. As per claims 11,30,47,60 Taylor-Narin disclosed wherein said information handling capability comprises providing transportation service information to a user of said client computer system (Taylor, Page. 6, Paragraph. 0056).

14. As per claims 18,37,50,63 Taylor-Narin disclosed wherein said media comprises a transmission type media (Taylor, Page. 5, Paragraph. 0052).

15. As per claims 19,38,51,64 Taylor-Narin disclosed wherein said media comprises a storage media (Taylor, Page. 5, Paragraph. 0052).

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16. As per claims 20,31,34,52 Taylor-Narin disclosed a method of providing an information handling capability to a client computer system in a networked computer system comprising client and server computer systems, comprising the following, steps executed at a client computer system storing executable code for providing said information handling capability (Narin, col. 9, lines 30-39), performing an analysis of usage of said information handling capability by said client computer system to determine whether said executable code ought to be retained in storage by said client computer system, and in response to a determination that said executable code ought not be retained by said client computer system, unloading said executable code from storage in said client computer system (Taylor, Page. 7, Paragraph. 0073).

17. As per claims 21,32,35 Taylor-Narin disclosed wherein said analysis comprises determining a period of disuse of said information handling capability by said client computer system (Taylor, Page. 6, Paragraph. 0077).

18. As per claims 22,33,36 Taylor-Narin disclosed wherein said analysis comprises determining the presence of a connection between said client computer system and a server computer system involved in provision of said information handling capability (Taylor, Page. 6, Paragraph. 0077).

19. As per claims 39,48,49,61,62 Taylor-Narin a disclosed method of providing an information handling capability to a client computer system in a networked computer system comprising client and server computer systems, comprises the following steps executed at a

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client computer system receiving from a server computer system, executable code for providing said information handling capability (Narin, col. 9, lines 30-39), receiving from a server computer system, state information relating to a prior interaction of said client computer system and server computer system, utilizing said state information while executing said executable code at said client to provide said information handling capability (Taylor, Page. 7, Paragraph. 0073).

Response to Arguments

Applicant's arguments filed 12/19/2005 have been fully considered but they are not persuasive.

Response to applicant's arguments is as follows:

20. Applicant argued that prior art did not disclose, "The server selects which connector object to send to a client".

As to applicant's argument Taylor disclosed, "server retrieves the requested data from the disk drives within the server, and when necessary from second storage via bi-directional path, and outputs the requested data for distribution to the appropriate clients along data paths" (Page. 2, Paragraph. 0024).

21. Applicant argued that prior art did not disclose, "evaluating use/disuse or connectivity at a client computer".

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As to applicant's argument Taylor disclosed, "As such, the close controller within server (or other controllers within the data retrieval system operating to satisfy a client request) must evaluate provisioning, QoS and/or bandwidth availability information to responsively determine an appropriate latency masking and/or client message strategy" (Page. 2, Paragraph. 0050).

22. Applicant argued that prior art did not disclose, "information relating to a prior interaction of a client computer system and server computer system".

As to applicant's argument Taylor disclosed, "In this case illustratively all servers receive the push content but each server implements a level of filtering of received content according to a server-specific evaluation of the importance of the pushed content made according to the needs and/or preferences of the subtended customers associated with the respective server" (Page. 5, Paragraph. 0052).

23. Applicant argued that prior art did not disclose, "A server that will "select, in response to a request to provide an information handling capability by a client computer system, a service to be executed by said server computer system, from at least first and second services available to said server".

As to applicant's argument Narin disclosed, "A script wrapper allows script to be written without regard to different browser brands. The service manager then forwards the service calls to the corresponding service within its control. The service then performs according to the call and

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information can flow back to the script via the service manager, connector object (Active X control interface or Plug-In interface) and script wrapper. Service manager can also send information regarding events to the scripting space by way of the service manager and an event handler” (col. 9, lines 30-39).

Conclusion

24. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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25. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Adnan Mirza whose telephone number is (571)-272-3885.

26. The examiner can normally be reached on Monday to Friday during normal business hours. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571)-272-3933. The fax for this group is (703)-746-7239. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

27. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866)-217-9197 (toll-free).

AM

Adnan Mirza

Examiner


JASON CARDONE
SUPERVISORY PATENT EXAMINER